

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M-26929-2019(O&M)

Shoaib Alam and others

..... Petitioners

Versus

State of Punjab

..... Respondent

2. CRM-M-26990-2019(O&M)

Javed Farooqi

..... Petitioner

Versus

State of Punjab

..... Respondents

Date of decision :-16.3.2020

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.P.S. Hundal, Advocate
for the petitioners in **CRM-M-26929-2019**

Mr.Dinesh Trehan, Advocate
for the petitioner in **CRM-M-26990-2019.**

Rana Harjasdeep Singh, DAG, Punjab assisted by
ASI Sulakhan Singh.

Mr.Manish Sharma, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-26929-2019** filed by petitioners Shoaib Alam and others and **CRM-M-26990-2019** filed by petitioner Javed Farooqi, all of them being accused in FIR No.26 dated 28.5.2019 for the offences under Sections 406, 420, 120-B IPC, registered at Police Station Handesra, Tehsil Dera Bassi, District SAS Nagar (Mohali).

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant – Mohd. Afzal, Plant Head, Mirha Exports Pvt. Ltd. (for short – MEPL), Dera Bassi by submitting a written complaint to the police wherein he contended that for last many days, it was being noticed that there was some difference in the weight of buffaloes purchased by the company and the meat processed; on 28.5.2010, the complainant recorded the weight of 20 buffaloes and difference of 758 kgs. was found; on enquiry from Kanda(Weighment) Operator, Akram Ali, it transpired that he had been asked to enhance the weight by Stock Supervisor Javed Farooqi, who had informed him that it was being done at the asking of supplier Hazi Nawab, Shoaib and their Clerk Aariz; that fault was being done in connivance with Azhar Qureshi, Purchase Manager of the company, who was responsible in making payments on behalf of the company. The complainant sought taking of action against Akram Ali, Javed Farooqi, Hazi Nawab, Shoib, Aariz and

Azhar for the reason that they had committed fraud and cheated the company. Formal FIR was registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge/Judge, Special Court, SAS Nagar (Mohali). As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

It is contended on behalf of the petitioners that the complainant company owes more than Rs.4 crores to the petitioners for meat supply and the instant FIR had been got registered to put pressure upon the petitioners to forego their claim against the complainant company. As a matter of fact no offence has been committed by the petitioners. They have since joined the investigation and no recovery is to be effected upon them. Therefore, they be granted pre-arrest bail.

Whereas the request is being opposed on behalf of the State as well as counsel for the complainant.

After hearing the rival contentions and going through the record, I find that the petitioners have since joined the investigation as per directions issued to them by this order and have been granted interim bail.

The custodial interrogation of the petitioners is not found to be necessary in this case. Therefore, the interim bail granted to petitioners vide orders dated 26.6.2019 is made absolute subject to their fulfilling following conditions:

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the previous permission of the Court; and
- (iv) that the petitioners shall surrender their passports before the Investigating Officer and if they are not having passport, then shall file the affidavit in that regard.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail to them.

The petitions are allowed accordingly.

(H.S. MADAN)
JUDGE

16.3.2020
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**